

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 44 has been cancelled.

Claims 7, 17, 29, 33, 43, and 65 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier.

After amending the claims as set forth above, claims 2-7, 9-13, 15-22, 29-30, 32-34, 37-40, 43, 45-49, and 60-69 are now pending in this application.

Claim Rejections – 35 USC § 103

Claims 2-7, 9-10, and 12-13

On page 2 of the Office Action, the Examiner rejected claims 2-7, 9-10, 12-13, 15-19, 21-22, 29-30, 32-34, 37-38, 40, 43-47, 49, and 60-69 under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0071416 to Carlson et al. (Carlson). On page 22 of the Office Action, the Examiner rejected claims 11, 20, 39, and 48 under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of U.S. Patent No. 7,444,669 to Bahl et al. (Bahl). These rejections should be withdrawn for at least those reasons presented below.

Independent claim 7 has been amended and recites a combination including, among other limitations,

providing account crediting information to an accounting system, wherein the account crediting information represents *a credit to be recorded for an account associated with the network access node*; and

providing second account crediting information to the accounting system, wherein the second account crediting information represents *a second credit to be recorded to an account associated with an Internet service provider, wherein the Internet service provider provides access to the Internet via a fixed access point* and the data signal is provided by the Internet service provider.

Thus, in claim 7 two credits are recorded. One credit is recorded for “an account associated with the network access node,” and a second credit is recorded for “an account associated with an Internet service provider, wherein the Internet service provider provides access to the Internet via a fixed access point.” In rejecting claim 7, the Examiner stated that

Carlson does not use the term “second account”. However, Carlson teaches the Internet Service Provider (i.e., second account) gets paid for the connection services which obviously requires some sort of “account” to be given credit for services rendered – paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) [] also gets credit (i.e. first account) for relay internet messages between the first user device (item 114) and the wireless network (143) – paragraph 0052 which obviously requires the owners account (i.e. first account). In fact, Carlson teaches the owner of the second wireless device (item 124) can even service another wireless device that is willing to pay more for the connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. first account).

Office Action at p. 4. Applicants respectfully disagree. Carlson is directed to a system and method for providing a first wireless device access to a wide area network via a second wireless device, where the second wireless device may charge the first wireless device for providing such access. Carlson, ¶ 0026. In Carlson, the second wireless device is also referred to as a “connection provider” or “service provider.” Carlson, ¶¶ 0033, 0043. Further, the billing and payment negotiations in Carlson all appear to be limited to negotiations between the first wireless device and second wireless device. With respect to the Examiner’s statements in the Office Action regarding Carlson’s disclosure of an “Internet Service Provider,” it appears that the Examiner is interpreting the “service provider” of Carlson as a separate Internet service provider from the second wireless device of Carlson. However, as noted above, the phrases “service

provider" and "second wireless device" represent the same device (i.e., the second wireless device) in Carlson. Carlson does not disclose, teach, or suggest "providing second account crediting information to the accounting system, wherein the second account crediting information represents *a second credit to be recorded to an account associated with an Internet service provider, wherein the Internet service provider provides access to the Internet via a fixed access point,*" as provided by claim 7. The second wireless device of Carlson, although referred to as a "service provider," is not an Internet Service Provider, as recited in claim 7. To further clarify the features of claim 7, Applicants have amended claim 7 to provide that "the Internet service provider provides access to the Internet via a fixed access point." In Carlson, the second wireless device is a mobile device. Applicants have found no portion of Carlson that discloses an Internet service provider as in claim 7. The feature of recording a credit to an account associated with an Internet service provider, as in claim 7, appears to be completely missing from Carlson.

Accordingly, Applicants submit that the subject matter of claim 7 would not have been obvious in view of the disclosure of Carlson. Withdrawal of the rejection of independent claim 7, and corresponding dependent claims 2-6, 9-10, and 12-13, is respectfully requested.

Dependent claim 6 is believed to be further patentable over Carlson. Dependent claim 6 recites

providing account debiting information to the accounting system, wherein the account debiting information represents a debit to be recorded for an account associated with the network user node.

Taken in conjunction with the limitations of claim 7 incorporated therein, claim 6 provides for recording two credits and one debit, each for a different entity. Thus, accounts associated with three separate entities (i.e., a network access node, an Internet service provider, and a network user node) are involved in the accounting features of claim 7. As discussed above, the billing and payment negotiations of Carlson involve only two entities – the first wireless device and the second wireless device. Thus, claim 6 is believed to be further patentable over Carlson.

Claims 15-19 and 21-22

Independent claim 17 has been amended and recites a combination including, among other limitations,

means for providing account crediting information to an accounting system, wherein the account crediting information represents a credit to be recorded for an account associated with the portable device;

means for providing second account crediting information to the accounting system, wherein the data signal is provided by an Internet service provider, wherein the second account crediting information represents a second credit to be recorded to an account associated with an Internet service provider, wherein the Internet service provider provides access to the Internet via a fixed access point.

Independent claim 17 is believed to be patentable for the same reasons that claim 7 is patentable. Withdrawal of the rejection of independent claim 17, and corresponding dependent claims 15-16, 18-19, and 21-22, is respectfully requested.

Claims 29-30

Independent claim 29 has been amended and recites a combination including, among other limitations,

crediting an account associated with the network access node based on the communication event message; and

crediting an account associated with an Internet service provider, wherein the data signal is provided by the Internet service provider, wherein the communication event message includes second identification data representing the Internet service provider, and wherein the Internet service provider provides access to the Internet via a fixed access point.

Independent claim 29 is believed to be patentable for the same reasons that claim 7 is patentable. Withdrawal of the rejection of independent claim 29, and corresponding dependent claim 30, is respectfully requested.

Claims 32-34, 37-38, and 40

Independent claim 33 has been amended and recites a combination including, among other limitations,

providing account crediting information to an accounting system, wherein the account crediting information represents a credit to be recorded for an account associated with the access point,

providing second account crediting information to the accounting system, wherein the second account crediting information represents a second credit to be recorded to an account associated with an Internet service provider, wherein the Internet service provider provides access to the Internet via a fixed access point.

Independent claim 33 is believed to be patentable for the same reasons that claim 7 is patentable. Withdrawal of the rejection of independent claim 33, and corresponding dependent claims 32, 34, 37-38, and 40, is respectfully requested.

Claims 43- 45, 47, and 49

Independent claim 43 has been amended and recites a combination including, among other limitations,

an accounting circuit configured to provide account crediting information, wherein the account crediting information represents a credit to be recorded for an account associated with the access point,

...

wherein the account crediting information further represents a credit to be recorded for an account associated with the Internet service provider, wherein the Internet service provider provides access to the Internet via a fixed access point.

Independent claim 43 is believed to be patentable for the same reasons that claim 7 is patentable. Withdrawal of the rejection of independent claim 43, and corresponding dependent claims 45-47 and 49, is respectfully requested.

Claims 60-69

Independent claim 65 has been amended and recites a combination including, among other limitations,

providing account adjustment information to an accounting system, wherein the account adjustment information represents at least one of a credit to be recorded to the first person's account and a debit to be recorded to the second person's account; and

providing second account information to the accounting system, wherein the second account information represents a second credit to be recorded to an account associated with the Internet service provider and the data signal is provided by an Internet service provider, wherein the Internet service provider provides access to the Internet via a fixed access point.

Independent claim 65 is believed to be patentable for the same reasons that claim 7 is patentable. Withdrawal of the rejection of independent claim 65, and corresponding dependent claims 61-64 and 66-69, is respectfully requested.

Claims 11, 20, 39, and 48

On page 22 of the Office Action, the Examiner rejected claims 11, 20, 39, and 48 under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of U.S. Patent No. 7,444,669 to Bahl et al. (Bahl). Claims 11, 20, 39, and 48 variously depend from independent claims 7, 17, 33, and 43, which are believed to be patentable over Carlson. Bahl was relied on by the Examiner for a teaching of monitoring usage of connection services on a per packet or per byte basis. Bahl does not cure the deficiencies of Carlson with respect to independent claims 7, 17, 33, and 43, from which claims 11, 20, 39, and 48 depend. Accordingly, claims 11, 20, 39, and 48

are believed to be patentable over the combination of Carlson and Bahl. Withdrawal of the rejection of dependent claims 11, 20, 39, and 48 is respectfully requested.

* * *

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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